

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 29 2017

SEAN F. McAVOY, CLERK
DEPUTY
RICHLAND, WASHINGTON

JOSEPH H. HARRINGTON
Acting United States Attorney
Eastern District of Washington
Stephanie Van Marter
Assistant United States Attorneys
Post Office Box 1494
Spokane, WA 99210-1494
Telephone: (509) 353-2767

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VERONICA CORTEZ,

Defendant.

4:15-CR-6049-EFS-24

Plea Agreement

Plaintiff, United States of America, by and through Joseph H. Harrington,
Acting United States Attorney for the Eastern District of Washington, and
Stephanie Van Marter, Assistant United States Attorney for the Eastern District
of Washington, and Defendant VERONICA CORTEZ, and the Defendant's
counsel, Lee Edmond, agree to the following Plea Agreement:

1. Guilty Plea and Maximum Statutory Penalties:

The Defendant, VERONICA CORTEZ, agrees to enter a plea of guilty to
an Information Superseding Indictment charging the Defendant with Misprision
of a Felony, a Class E Felony, in violation of 18 U.S.C. § 4. The Defendant
understands that this is a felony which carries a maximum penalty of: not more
than a three (3)-year term of imprisonment; a fine not to exceed \$250,000; not

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1 more than a one (1)-year term of supervised release; and a \$100.00 special
2 penalty assessment.

3 The Defendant, VERONICA CORTEZ, understands that a violation of a
4 condition of supervised release carries an additional penalty of re-imprisonment
5 for all or part of the term of supervised release without credit for time previously
6 served on post-release supervision.

7 2. Denial of Federal Benefits:

8 The Defendant understands that by entering this plea of guilty the
9 Defendant *may* no longer eligible for assistance under any state program funded
10 under part A of title IV of the Social Security Act (concerning Temporary
11 Assistance for Needy Families) or benefits under the food stamp program or any
12 state program carried out under the Food Stamp Act. 21 U.S.C. § 862a. Further,
13 the Court may deny the Defendant's eligibility to any grant, contract, loan,
14 professional license, or commercial license provided by an agency of the United
15 States or by appropriated funds of the United States. 21 U.S.C. § 862.

16 3. The Court is Not a Party to the Agreement:

17 The Court is not a party to this Plea Agreement and may accept or reject
18 this Plea Agreement. Sentencing is a matter that is solely within the discretion of
19 the Court. The Defendant understands that the Court is under no obligation to
20 accept any recommendations made by the United States and/or by the Defendant;
21 that the Court will obtain an independent report and sentencing recommendation
22 from the U.S. Probation Office; and that the Court may, in its discretion, impose
23 any sentence it deems appropriate up to the statutory maximums stated in this
24 Plea Agreement.

25 The Defendant acknowledges that no promises of any type have been made
26 to the Defendant with respect to the sentence the Court will impose in this matter.

1 The Defendant understands that the Court is required to consider the applicable
2 sentencing guideline range, but may depart upward or downward under the
3 appropriate circumstances.

4 The Defendant also understands that should the sentencing judge decide
5 not to accept any of the parties' recommendations, that decision is not a basis for
6 withdrawing from this Plea Agreement or a basis for withdrawing her plea of
7 guilty.

8 4. Waiver of Constitutional Rights:

9 The Defendant, VERONICA CORTEZ, understands that by entering this
10 plea of guilty the Defendant is knowingly and voluntarily waiving certain
11 constitutional rights, including:

- 12 (a). The right to a jury trial;
- 13 (b). The right to see, hear and question the witnesses;
- 14 (c). The right to remain silent at trial;
- 15 (d). The right to testify at trial; and
- 16 (e). The right to compel witnesses to testify.

17 While the Defendant is waiving certain constitutional rights, the Defendant
18 understands the Defendant retains the right to be assisted through the sentencing
19 and any direct appeal of the conviction and sentence by an attorney, who will be
20 appointed at no cost if the Defendant cannot afford to hire an attorney. The
21 Defendant also acknowledges that any pretrial motions currently pending before
22 the Court are waived.

23 5. Elements of the Offense:

24 The United States and the Defendant agree that in order to convict the
25 Defendant of Misprision of Felony, in violation of 18 U.S.C. § 4, the United
26 States would have to prove beyond a reasonable doubt the following elements:

1 *First*, beginning on a date unknown but by on or about January 2010
2 continuing until on or about December 6, 2016, in the Eastern
3 District of Washington, several Defendants committed the offense of
4 Conspiracy to Distribute Methamphetamine and/or Cocaine and/or
5 Heroin and/or N-phenyl-N Propanamide (Fentanyl) as charged in the
6 Second Superseding Indictment; 12-CR-06049-EFS;

7 *Second*, the Defendant had knowledge of the fact that the
8 Conspiracy to Distribute Methamphetamine and/or Cocaine and/or
9 Heroin and/or N-phenyl-N Propanamide (Fentanyl), was being
10 committed;

11 *Third*, the Defendant failed to notify authorities of the offense; and

12 *Fourth*, the Defendant, took affirmative steps to conceal the offense.

13 6. Factual Basis and Statement of Facts:

14 The United States and the Defendant stipulate and agree that the following
15 facts are accurate; that the United States could prove these facts beyond a
16 reasonable doubt at trial; and these facts constitute an adequate factual basis for
17 VERONICA CORTEZ's guilty plea. This statement of facts does not preclude
18 either party from presenting and arguing, for sentencing purposes, additional
19 facts which are relevant to the guideline computation or sentencing, unless
20 otherwise prohibited in this agreement.

21 Members of the FBI Eastern Washington Violent Gang Safe Streets Task
22 Force - Tri-Cities (EWVGSSTF) have been investigating a transnational drug
23 trafficking organization operating within the Eastern District of Washington and
24 elsewhere since at least 2011 identified as the Ivan Hernandez Calvillo Drug
25 Trafficking Organization (DTO). During that investigation, Ivan Hernandez
26 Cavillo (hereinafter Ivan) and Jese David Carillo Casillas (hereafter Casillas)

1 were identified as high-ranking members of the DTO. Members of the Task
2 Force, through the interviews of multiple cooperating Defendants and drug
3 seizures, learned the DTO was utilizing backpackers to physically carry
4 quantities of cocaine and methamphetamine from the Eastern District of
5 Washington through a trail system into Canada for distribution.

6 During the late fall winter of 2012, the Defendant was identified as
7 working directly with Calvillo, specifically as a facilitator who assisted with one
8 of his stash house locations and well as someone who assisted backpackers to and
9 from the Canadian border. The Defendant was a family member of Calvillo.

10 In December 2012, two individuals were observed via infrared camera by
11 border patrol entering the United States illegally. The information was relayed to
12 the field where agents arrived to locate a series of footprints where the camera
13 captured the illegal entry. While this was going on, a vehicle was encountered in
14 the same area and a traffic stop was made. The driver was identified as Co-
15 Defendant Rosa Granados. Granados advised she was looking for her friend's
16 house located at 37 Eastlake Rd, Oroville, WA. This was subsequently
17 confirmed to be where the Defendant was living. Granados granted permission
18 for border patrol to utilize a K-9 around the vehicle. The K-9 alerted positive to
19 the area of the trunk where agents located a back pack with paperwork tying it to
20 Osoyoos, BC. Granados was released and drove directly to the Defendant's
21 residence. Agents continued to follow the footprints from the crossing, and they
22 led directly to the Defendant's residence where Granados was also currently
23 located. When contacted by the police, the Defendant denied any knowledge.

24 On February 11, 2013, the Defendant was again contacted by the Border
25 Patrol, this time with an individual identified as Juan Cirino Ramos, a.k.a. El

1 Viejeto¹. Ramos was previously identified as a driver/transporter for the Calvillo
2 DTO. The Defendant was observed meeting with Ramos at a gas station close to
3 the border in Oroville. They both got into a vehicle and were followed to a
4 remote area near the border where surveillance could not continue. Surveillance
5 waited to observe the car again and sometime later, the car was observed coming
6 back into the area where it returned to the gas station. The Defendant was
7 observed getting back into her vehicle where she went to a nearby bank and made
8 some form of deposit. Ramos was followed to a nearby hotel where he was
9 observed previously.

10 Ramos was observed taking bags out of the trunk and taking them into a
11 room at the Red Apple Inn in Oroville. Ramos was further observed traveling
12 back to the same area of the border some time later. Ramos was eventually
13 stopped by border patrol. A K-9 was present and alerted to the odor of narcotics.
14 None were located at the time. However, paperwork was located identifying
15 Andy Javier GARCIA-Marcias², a Co-defendant in this case, as the person who
16 checked into the hotel room. GARCIA-Marcias was known and identified as a
17 backpacker working for the Calvillo DTO. During this same time period, border
18 patrol via infrared camera, again observed two individuals cross back into the
19 United States unlawfully. These individuals were not located.

20 On March 20, 2013, approximately 9 miles east of the Oroville,
21 Washington Port of Entry, Border Patrol Agent (BPA) Mendoza contacted a
22

23 ¹As indicated, Ramos was identified as a driver for this DTO and ultimately
24 arrested transporting approximately 20 pounds of methamphetamine. Ramos was
25 arrested and indicted in November of 2014. He has pled guilty and been
26 sentenced. *See*, 14-CR-2088-TOR-1

26 ²GARCIA-MARCIAS is currently in custody in Canada for pending drug
27 offenses associated with this investigation.

1 White Ford Windstar registered to the Defendant at 37 East Lake Rd, Oroville,
2 WA. The driver was confirmed to be the Defendant and the passenger was
3 identified as an indicted female associated with this investigation. Both the
4 Defendant and passenger had previously been identified as working for Calvillo's
5 DTO.

6 BPA Mendoza continued his patrol duties eastbound on Mary Ann Creek
7 Road and saw foot sign in the fresh snow of 3 individuals northbound. BPA
8 Mendoza is currently a certified Detection Canine Handler/Instructor as well as a
9 certified Tracking and Trailing Handler/Instructor with Canine Brix. BPA
10 Mendoza then deployed his service canine Brix to track the subjects from Mary
11 Ann Creek Road. BPA Mendoza and Canine Brix tracked the foot sign of three
12 subjects for approximately 500 meters and encountered three male subjects
13 wearing camouflage clothing. BPA Mendoza saw the subjects digging in the
14 snow near an outbuilding with heavy tree cover. BPA Mendoza identified himself
15 as a United States Border Patrol Agent, resulting in all three subjects running.
16 BPA Mendoza witnessed the shortest individual later identified as Co-Defendant
17 Andy GARCIA-Macias, drop a grey back pack before jumping over multiple
18 barbed wire fences. The grey backpack contained a pair of night vision goggles,
19 water/food and a hand held two-way radio.

20 BPA Mendoza pursued the three male subjects on foot northbound through
21 several private properties with heavily wooded terrain east of Old Railroad Road.
22 BPA Nicholas Donner was able to locate and detain the individuals; one of those
23 individuals was also identified as Co-Defendant Miguel Angel Gomez Calvillo,
24 another identified backpacker for the organization.

25 The residence to which the vehicle was identified, 37 East Lake Rd,
26 Oroville, WA was an identified stash house location purchased through other co-

1 defendants on behalf of Calvillo. The United States would present the testimony
2 of three separate individuals, that the Defendant was hired to live at the stash
3 house location. The testimony would include that she was further requested to
4 assist with backpackers as they were traveling to and from Canada with loads of
5 controlled substances and cash drug proceeds. The United States does not
6 contend the Defendant knew the total quantities of controlled substances or cash.
7 The United States would further present evidence that sometime in July of 2013,
8 the Defendant left the stash house and never returned.

9 The Defendant therefore agrees and stipulates that she knew Ivan Calvillo,
10 Andy GARCIA-Macias, Miguel Angel Gomez Calvillo and others were involved
11 in the transportation and distribution of controlled substances. The Defendant
12 further agrees and stipulates that although she was aware of the ongoing
13 Conspiracy, she did nothing to alert the authorities. The Defendant further agrees
14 and stipulates that by operating a stash house location and assisting with
15 backpackers, she was taking steps to conceal and hide the activities of the
16 Conspiracy.

17 7. The United States Agrees:

18 (a.) Dismissals:

19 At the time of sentencing, the United States agrees to move to dismiss
20 Count 1 of the Second Superseding Indictment as to this Defendant only, which
21 charges the Defendant with Conspiracy to Distribute 500 Grams or More of a
22 Mixture or Substance Containing a Detectable Amount of Methamphetamine, 5
23 Kilograms or More of Cocaine, 1 Kilogram or More of Heroin and 400 grams or
24 More of N-phenyl-N Propanamide, in violation of 21 U.S.C. § 841(a)(1),
25 (b)(1)(A)(i), (ii)(I), (vi), and (viii); all in violation of 21 U.S.C. § 846.

1 (b.) Not to File Additional Charges:

2 The United States Attorney's Office for the Eastern District of Washington
3 agrees not to bring any additional charges against the Defendant based upon
4 information in its possession at the time of this Plea Agreement and arising out of
5 Defendant's conduct involving illegal activity charged in the Information
6 Superseding Indictment, unless the Defendant breaches this Plea Agreement any
7 time before or after sentencing..

8 8. United States Sentencing Guideline Calculations:

9 The Defendant understands and acknowledges that the United States
10 Sentencing Guidelines (hereinafter "U.S.S.G.") are applicable to this case and that
11 the Court will determine the Defendant's applicable sentencing guideline range at
12 the time of sentencing.

13 (a.) Base Offense Level:

14 The United States and the Defendant agree that the base offense level for
15 Misprision of a Felony is 19. See U.S.S.G. § 2X4.1.

16 (b.) Acceptance of Responsibility:

17 If the Defendant pleads guilty and demonstrates a recognition and an
18 affirmative acceptance of personal responsibility for the criminal conduct;
19 provides complete and accurate information during the sentencing process; does
20 not commit any obstructive conduct; accepts this Plea Agreement; and enters a
21 plea of guilty no later than the next Pre-Trial Conference, the United States will
22 move for a three (3) level downward adjustment in the offense level for the
23 Defendant's timely acceptance of responsibility, pursuant to U.S.S.G. §3E1.1(a)
24 and (b).

25 The Defendant and the United States agree that the United States may at its
26 option and upon written notice to the Defendant, not recommend a three (3) level

1 downward reduction for acceptance of responsibility if, prior to the imposition of
2 sentence, the Defendant is charged or convicted of any criminal offense
3 whatsoever or if the Defendant tests positive for any controlled substance.

4 Furthermore, the Defendant agrees to pay the \$100 mandatory special
5 penalty assessment to the Clerk of Court for the Eastern District of Washington,
6 at or before sentencing, and shall provide a receipt from the Clerk to the United
7 States before sentencing as proof of this payment, as a condition to this
8 recommendation by the United States.

9 (c). Criminal History:

10 The United States and the Defendant understand that the Defendant's
11 criminal history computation is tentative and that ultimately the Defendant's
12 criminal history category will be determined by the Court after review of the
13 Presentence Investigative Report. The United States and the Defendant have
14 made no agreement and make no representations as to the criminal history
15 category, which shall be determined after the Presentence Investigative Report is
16 completed.

17 9. Safety Valve:

18 The United States and the Defendant agree that the provisions of the safety
19 valve do not apply to this offense. However, should the defendant otherwise
20 meet all of its requirements, the United States will recommend an additional
21 departure pursuant to application of the 18 U.S.C. § 3553(a) factors.

22 10. Length of Incarceration/Probation:

23 So long as the Defendant meets the qualifications of paragraph 9, the
24 United States agrees to recommend a sentence of 12 months home detention with
25
26

1 a period of 5 years' probation to follow³. If the Defendant does not meet the
2 provisions of paragraph 9, the United States is free to argue any lawful sentence.
3 The Defendant is free to recommend any lawful sentence. The parties also agree
4 to the following additional conditions of probation/supervised release:

- 5 (1) that the Defendant's person, residence, office, vehicle, and
6 belongings are subject to search at the direction of the Probation Office;
7 and
8 (2) that the Defendant have no contact with any witnesses or Co-
9 defendants in this cause number.

10 11. Criminal Fine:

11 The United States and the Defendant are free to make whatever
12 recommendation concerning the imposition of a criminal fine that they believe is
13 appropriate.

14 12. Mandatory Special Penalty Assessment:

15 The Defendant agrees to pay the \$100 mandatory special penalty
16 assessment to the Clerk of Court for the Eastern District of Washington, at or
17 before sentencing, pursuant to 18 U.S.C. § 3013 and shall provide a receipt from
18 the Clerk to the United States before sentencing as proof of this payment.

19 13. Additional Violations of Law Can Void Plea Agreement:

20 The Defendant and the United States agree that the United States may at its
21 option and upon written notice to the Defendant, withdraw from this Plea
22 Agreement or modify its recommendation for sentence if, prior to the imposition
23

24 ³ The Defendant has not served any term of incarceration in this matter as she was
25 released on conditions. The parties therefore submit she is eligible for a
26 probationary sentence wherein home detention can be ordered as a term of
27 probation.

1 of sentence, the Defendant is charged or convicted of any criminal offense
2 whatsoever or if the Defendant tests positive for any controlled substance.

3 14. Appeal Rights:

4 In return for the concessions that the United States has made in this Plea
5 Agreement, the Defendant agrees to waive her right to appeal the conviction and
6 sentence if the Court imposes a prison term no higher than the applicable
7 guideline range and imposes no more than 5 years probation. Defendant further
8 expressly waives her right to file any post-conviction motion attacking her
9 conviction and sentence, including a motion pursuant to 28 U.S.C. § 2255, except
10 one based upon ineffective assistance of counsel based on information not now
11 known by Defendant and which, in the exercise of due diligence, could not be
12 known by Defendant by the time the Court imposes the sentence. Should the
13 Defendant successfully move to withdraw from this Plea Agreement or should
14 the Defendant's conviction on Count 1 of the Information Superseding Indictment
15 be dismissed, set aside, vacated, or reversed, the Plea Agreement shall become
16 null and void; the United States may move to reinstate all counts of Second
17 Superseding Indictment No. 4:15-CR-6049-EFS-24; and the United States may
18 prosecute the Defendant on all available charges involving or arising out of
19 Indictment No. 4:15-CR-6049-EFS-24. Nothing in this Plea Agreement shall
20 preclude the United States from opposing any post-conviction motion for a
21 reduction of sentence or other attack of the conviction or sentence, including, but
22 not limited to, proceedings pursuant to 28 U.S.C. § 2255 (writ of habeas corpus).

23 15. Integration Clause:


24 The United States and the Defendant acknowledge that this document
25 constitutes the entire Plea Agreement between the United States and the
26 Defendant, and no other promises, agreements, or conditions exist between the

1 United States and the Defendant concerning the resolution of the case. This Plea
2 Agreement is binding only upon the United States Attorney's Office for the
3 Eastern District of Washington, and cannot bind other federal, state or local
4 authorities. The United States and the Defendant agree that this agreement
5 cannot be modified except in a writing that is signed by the United States and the
6 Defendant.

7
8
9 Approvals and Signature

10 Agreed and submitted on behalf of the United States Attorney's Office for
11 the Eastern District of Washington.

12 JOSEPH H. HARRINGTON
13 Acting United States Attorney

14
15 
16 Stephanie Van Marter
17 Assistant U.S. Attorney

8/29/17
Date

18 I have read this Plea Agreement and have carefully reviewed and discussed
19 every part of the agreement with my attorney. I understand and voluntarily enter
20 into this Plea Agreement. Furthermore, I have consulted with my attorney about
21 my rights, I understand those rights, and I am satisfied with the representation of
22 my attorney in this case. No other promises or inducements have been made to
23 me, other than those contained in this Plea Agreement and no one has threatened
24
25
26

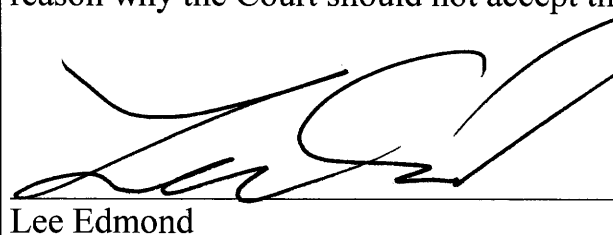
1 or forced me in any way to enter into this Plea Agreement. I am agreeing to
2 plead guilty because I am guilty.

3
4 
5 VERONICA CORTEZ
6 Defendant

Date

8/29/2017

7
8 I have read the Plea Agreement and have discussed the contents of the
9 agreement with my client. The Plea Agreement accurately and completely sets
10 forth the entirety of the agreement between the parties. I concur in my client's
11 decision to plead guilty as set forth in the Plea Agreement. There is no legal
12 reason why the Court should not accept the Defendant's plea of guilty.

13
14 
15 Lee Edmond

16 Attorney for the Defendant

Date

8/29/2017